

MICHAEL E. BRENNAN
Reg. No. 62582-054
L.S.C.I., Allenwood
Post Office Box 1000
White Deer, PA 17887-1000

April 10, 2012

Clerk of the Court
Pro-Se Office
500 Pearl Street
New York, New York 10022

FILED
U.S. DISTRICT COURT
12 APR 13 P 4:01
S.D. OF N.Y.

IN RE: Return Of My Motion In Error
TO BE FILED IMMEDIATELY

Civ. No. 11-CIV-5474 LBS-GWG

Dear Mr. or Madam Clerk:

Please find enclosed the Motion For An Enlargement Of Time which I filed with your Office March 19, 2012, only to have it returned by you in error. It should have been filed as it was in full compliance.


Specifically, the Proof of Service which you claimed was not present was, in fact the last page of the packet. It clearly reflected my having served opposing counsel effective the 19th day of March, 2012. It must have been overlooked by your office.

Furthermore, I have enclosed a copy of the first page of opposing counsel's Response letter brief in which, in the first sentence of the preliminary statement, they refer to the Motion in question, proving they were served, or would not have been able to refer to it, given the fact you had not docketed the original.

It is important you immediately docket this Motion, as you should have upon having first received same, so Judge Sand can render an appropriate ruling and avoid further confusion.

Thank you in advance for your cooperation. Please write me at the above address, should there be any questions. Please reflect in the docket the original timely receipt of this Motion, your having docketed it presently, and send me an updated Docket Sheet reflecting these actions having been taken.

Sincerely,


Michael E. Brennan

Encl.

KM&M
KAUFF MCGUIRE MARGOLIS LLP

COPY

950 THIRD AVENUE • FOURTEENTH FLOOR
NEW YORK, N.Y. 10022

HARLAN J. SILVERSTEIN
DIRECT DIAL: (212) 909-0702
DIRECT FAX: (212) 909-3502
SILVERSTEIN@KMM.COM

TELEPHONE (212) 644-1010
FACSIMILE (212) 644-1936

NEW YORK
LOS ANGELES
WWW.KMM.COM

April 4, 2012

BY HAND DELIVERY

Hon. Leonard B. Sand
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Courtroom 15A
New York, NY 10007-1312

Re: *New York City District Council of Carpenters Pension Fund et al.*
v. Forde et al., Case No. 11-cv-5474
KM&M File No: 11780.0017

Dear Judge Sand:

Preliminary Statement

We represent the Plaintiffs in the above-referenced case. We write with regard to defendant Michael Brennan's Third Motion for an Enlargement of Time, dated March 19, 2012. We respectfully request that Mr. Brennan's motion be denied and that the Court issue an order requiring him to respond to the Plaintiffs' First Amended Complaint within two weeks of mail service of the order.

Introduction

Defendant Brennan, as he admits in his moving papers, was served with the original complaint on September 28, 2011, and the First Amended Complaint on January 19, 2012. Mr. Brennan moved for an extension of time to respond to the original complaint, and did not file a responsive pleading prior to Plaintiff's filing and service of its First Amended Complaint. Mr. Brennan then moved for an extension of time to respond to the First Amended Complaint on February 6, 2012. Mr. Brennan was granted a 45 day extension by the Court, requiring a response by March 25, 2012. Instead of responding to the First Amended Complaint in accord with the extension afforded him, Defendant Brennan now seeks via the instant motion to prematurely

PRO SE OFFICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
500 PEARL STREET, ROOM 230
NEW YORK, NEW YORK 10007

Ruby J. Krajick
CLERK OF COURT

Date:

4/5/2012

The enclosed papers are being returned to you for one or more of the following reasons checked below. Please read this list carefully to correct the mistakes in your papers. After you correct your papers, you may return them to this office for processing **TOGETHER WITH THIS LETTER.**

- ☐ Papers cannot be filed without an original signature. A xerox copy of your signature or documents without a signature are not acceptable.
- ☐ These papers appear to be intended for another court or agency.
- ☒ Papers cannot be filed without proof that they have been served on your opponent(s) or their attorney(s). This office **will not** forward copies of your papers to your defendants or their counsel. Please note that a "cc" on the bottom of your papers is not sufficient proof of service. You may use your own form or the one enclosed. Please indicate the document(s) you served on your affirmation of service.
- ☐ Your complaint or petition is undergoing judicial review. Once a docket number and judge is assigned you will be notified by mail. No further papers can be accepted for filing until your case has received a docket number and a judge.
- ☐ You did not include an *In Forma Pauperis* Application or the filing fee of \$ _____ (which must be paid in cash, certified check or money order made payable to the Clerk of the Court, U.S.D.C.-S.D.N.Y.). **Personal checks are not accepted.**
- ☐ Each plaintiff must sign the complaint and each plaintiff must submit a separate *In Forma Pauperis* application, to have the filing fee waived.
- ☐ Your application to waive the fees does not contain enough information for the Court to consider your request. Please fill out the enclosed *In Forma Pauperis* application. If you are presently incarcerated, be especially careful to answer question number two (2) on the form. If you have never worked you must state this as your answer to this question.
- ☐ Other: _____

Sincerely,

PRO SE OFFICE
(212) 805-0175